

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.668 OF 2004
IN
CONTEMPT PETITION NO.117 OF 2002
IN
SUIT NO.2335 OF 1994

M/s.Ambika Stores & Others .. Appellants.
V/s.
Shree Arihand Apartment Co-op.Hsg.
Society Ltd. & Others .. Respondents.

Mr.Samir Vaidya for the appellants.

Mr.R.S. Jaisinghani i/b. Bharat Mehta for
respondent No.1

Mr.Basant Trilokani for respondent Nos.2 and 3.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 20TH OCTOBER, 2004.

P.C. :

Heard.

2. This appeal is not bonafide. The impugned order came to be passed on the statement and the undertaking given on behalf of present appellant Nos.2 and 3 herein (respondent Nos.3 and 4 therein) who were present in the Court. Having given undertaking before the learned single Judge the present appellants have taken somersault and are

trying to make out a misconceived case that the undertaking was given under compelling circumstances.

3. The appeal does not deserve to be entertained. Dismissed in limine.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)